

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

DOUGLAS N. GAER, Individually and on	)	No. 3:10-cv-00081-JPB
Behalf of All Others Similarly Situated,	)	
	)	<u>CLASS ACTION</u>
Plaintiff,	)	
	)	The Honorable John Preston Bailey
vs.	)	
	)	JOINT SCHEDULING STIPULATION
AMERICAN PUBLIC EDUCATION, INC., et	)	
al.,	)	
	)	
Defendants.	)	
	)	
	)	

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Lead Plaintiffs, City of Miami Fire Fighters’ and Police Officers’ Retirement Trust (the “Retirement Trust”) and Douglas Gaer, and American Public Education, Inc., Wally Boston Jr., Frank B. McCluskey, and Harry T. Wilkins (collectively, “Defendants”) hereby enter into this Scheduling Stipulation and [Proposed] Order and state as follows:

1. On November 10, 2010, this Court issued an Order appointing the Retirement Trust and Douglas Gaer as Lead Plaintiffs (“Lead Plaintiffs”).
2. On August 27, 2010, this Court signed a Stipulation For Extension of Time to Answer, Move or Otherwise Respond, whereby all parties agreed that within fifteen (15) days from the Court’s appointment of Lead Plaintiffs, the parties would submit a mutually agreeable proposed scheduling order. In light of the foregoing:

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for Lead Plaintiffs and Defendants, that:

1. Lead Plaintiffs shall file a consolidated complaint within sixty (60) days from the date the Court enters an Order or otherwise approves this Joint Scheduling Stipulation;
2. Defendants shall answer or otherwise respond to the consolidated complaint no later than forty-five (45) days after Lead Plaintiffs' consolidated complaint is filed;
3. If Defendants' response to the consolidated complaint is a motion to dismiss, Lead Plaintiffs shall respond to the motion to dismiss within forty-five (45) days after it is filed; and
4. If Defendants file a motion to dismiss, Defendants shall file their reply in support of that motion within twenty (20) days after Lead Plaintiffs file a response.

**IT IS SO STIPULATED.**

DATED: November 15, 2010

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/s/ Steven F. White  
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***Lead Counsel for Plaintiff***

DATED: November 15, 2010

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ERIC J. HULETT (W.V. BAR #6332)

*/s/ Eric J. Hulett*

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*Counsel for Defendants*

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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THE HONORABLE JOHN PRESTON BAILEY  
UNITED STATES DISTRICT CHIEF JUDGE

## Mailing Information for a Case 3:10-cv-00081-JPB

### Electronic Mail Notice List

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### Manual Notice List

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